



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF SUNSET PROVISION EXTENSION REQUEST

AGENCY: Human Services

TITLE-SERIES: 78-02

RULE TYPE: Legislative

CITE STATUTORY AUTHORITY: W. Va. Code §49-2-121

RULE NAME: 78-02 Child Placing Agencies Licensure

PLEASE SELECT A SUNSET PROVISION OPTION:

EXTEND THE SUNSET DATE OF THE RULE.

5 REQUESTED NUMBER OF YEARS FOR EXTENSION (SUBJECT TO LRMRC REVIEW).

LET THIS RULE EXPIRE.

PLEASE INDICATE IF THIS RULE INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS

INCORPORATED BY REFERENCE

PLEASE PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

W. Va. Code §49-2-121 requires the Secretary of the Department of Human Services to promulgate legislative rules regarding the licensure, approval, certification, and registration of child care facilities. W. Va. Code St. R. §78-2-1, et seq. is the series of legislative rules promulgated to satisfy the requirement of W. Va. Code §49-2-121.

W. Va. Code St. R. §78-2-1 sets forth the scope of the rule, its effective date, and the duration of its effectiveness. This is the only section of the rule that is being amended; DoHS is seeking an extension of the sunset date to August 1, 2031.

W. Va. Code St. R. §78-2-2 explains how the rule is to applied and enforced.

W. Va. Code St. R. §78-2-3 sets for the pertinent legal definitions for the rule.

W. Va. Code St. R. §78-2-4 establishes the requirements for licensing a child placing agency, or anyone accepting placement of children; application procedures; the various types of licenses available; and how and when a license may be amended, renewed, or revoked.

W. Va. Code St. R. §78-2-5 establishes the procedures for inspections, complaints, plans of correction, and waivers.

W. Va. Code St. R. §78-2-6 sets forth the policies and procedures that must be in place for governance of a licensed entity under the rule.

W. Va. Code St. R. §78-2-7 sets forth the staffing process for a licensed entity.

W. Va. Code St. R. §78-2-8 sets forth the staffing requirements for all individuals employed by a licensed facility.

W. Va. Code St. R. §78-2-9 establishes a list of the Child's Rights and the Child's Family's Rights.

W. Va. Code St. R. §78-2-9 sets forth requirements for placement plans and procedures including the licensed facility's intake/referral process; written service agreements; service plans; child assessments; match summary (evaluates child's needs and strengths to determine most appropriate placement); preparation of child for placement; child's planning team; master service plans; and service plan reviews.

W. Va. Code St. R. §78-2-11 governs processes and procedures for transfers and discharges of children by a licensed entity.

W. Va. Code St. R. §78-2-12 sets forth the licensed entity's responsibilities specifically to foster parents and adoptive parents served by the entity.

W. Va. Code St. R. §78-2-13 sets forth the required characteristics and criteria for approved foster and adoptive parents.

W. Va. Code St. R. §78-2-14 establishes requirements for any Agreements between foster/adoptive parents and the licensed entity.

W. Va. Code St. R. §78-2-15 sets forth safety requirements for foster and adoptive homes.

W. Va. Code St. R. §78-2-16 requires licensed entities to complete a comprehensive home study prior to placement of any child and sets forth the minimum requirements/procedures for such study.

W. Va. Code St. R. §78-2-17 governs how and when a foster or adoptive home placement may be approved or denied.

W. Va. Code St. R. §78-2-18 sets forth the conditions and requirements for re-certification of approved foster and adoptive parents.

W. Va. Code St. R. §78-2-19 establishes required training for foster or adoptive parents.

W. Va. Code St. R. §78-2-20 requires licensed entities to develop written procedures for foster/adoptive home placements, as well as home closures.

W. Va. Code St. R. §78-2-21 establishes services required to be provided to biological parents in private adoptions.

W. Va. Code St. R. §78-2-22 establishes the role and requirements of a foster or adoptive parent in Department adoptions.

W. Va. Code St. R. §78-2-23 sets forth requirements and procedures for licensed entities performing private adoptions.

W. Va. Code St. R. §78-2-24 sets forth the services to be provided by licensed entities in private adoptions and Department adoptions.

W. Va. Code St. R. §78-2-25 establishes requirement for a licensed entity to have a transitional living program for those youth aging out of foster care.

W. Va. Code St. R. §78-2-26 requires a licensed entity to establish a grievance procedure for children, foster parents, adoptive parents, and biological parents who feel aggrieved by a decision or action of the licensed entity.

W. Va. Code St. R. §78-2-27 grants a right of administrative due process pursuant to the Administrative Hearings Act for any person aggrieved by an action or order of the Secretary.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE REASONS FOR REQUESTING A SUNSET PROVISION EXTENSION:

This rule sets forth the necessary and statutorily mandated rules and requirements for the licensure of Child Placing Agencies.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There should be no substantial change to any economic impact on revenues of state government as this is merely an extension of the sunset date.

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

There should be no substantial change to any economic impact on the state or its residents as this is merely an extension of the sunset date.

C. FISCAL NOTE DETAIL:

| Effect of Proposal | Fiscal Year | | |
|------------------------------------|--|--|--|
| | 2025 Increase/Decrease (use "-") | 2026 Increase/Decrease (use "-") | Fiscal Year (Upon Full Implementation) |
| 1. Estimated Total Cost | | | |
| Personal Services | | | |
| Current Expenses | | | |
| Repairs and Alterations | | | |
| Assets | | | |
| Other | | | |
| 2. Estimated Total Revenues | | | |

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Daron A Light -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.